

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MATTHEW HUTCHINSON,  
Plaintiff,

v.

NANCY A. BERRYHILL, Acting  
Commissioner of the Social Security  
Administration,<sup>1</sup>  
Defendant.

CASE NO. 3:16-cv-05319 JRC

ORDER ON STIPULATED  
MOTION FOR EQUAL ACCESS  
TO JUSTICE ACT FEES,  
EXPENSES AND COSTS

This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local Magistrate Judge Rule MJR 13 (*see also* Notice of Initial Assignment to a U.S. Magistrate Judge and Consent Form, Dkt. 3; Consent to Proceed Before a United States Magistrate Judge, Dkt. 4). This matter is before the Court on plaintiff's Stipulation to EAJA Fees and Costs (*see* Dkt. 17).

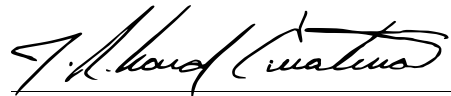
<sup>1</sup> Nancy A. Berryhill is now the Acting Commissioner of Social Security. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Nancy A. Berryhill is substituted for Acting Commissioner Carolyn W. Colvin as the defendant in this suit, pursuant to the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

Based on the Equal Access to Justice Act, 28 U.S.C. § 2412, (“EAJA”), the Stipulation of the parties (*see* Dkt. 17), and the relevant record, it is hereby ORDERED that EAJA attorney’s fees of \$6,000.00 and expenses in the amount of \$5.61 (postage), shall be awarded to plaintiff pursuant to the EAJA and consistent with *Astrue v. Ratliff*, 130 S.Ct. 2521, 2524, 2010 U.S. LEXIS 4763 at \*\*\*6-\*\*\*7 (2010).

It is further ORDERED that costs in the amount of \$417.00 (filing fee \$400.00, photocopies \$17.00) shall be awarded to plaintiff pursuant to 28 U.S.C. § 1920.

The Acting Commissioner agrees to contact the Department of Treasury after the Order for EAJA fees and expenses is entered to determine if the EAJA fees and expenses are subject to any offset. If it is determined that plaintiff’s EAJA fees are not subject to any offset allowed pursuant to the Department of the Treasury’s Offset Program, then the check for EAJA fees shall be made payable to Teal M. Parham, Esq., based on plaintiff’s assignment of these amounts to plaintiff’s attorney (*see* Dkt. 17, p. 2). If there is an offset, the remainder shall be made payable to plaintiff, based on the practice of the Department of the Treasury (*see, e.g.,* Case No. 2:15-cv-122, Dkt. 22, p. 4). Any check for EAJA fees shall be mailed to plaintiff’s counsel, Teal M. Parham, Esq., at 910 12<sup>th</sup> Avenue – PO Box 757, Longview, WA 98632.

Dated this 2nd day of March, 2017.



J. Richard Creatura  
United States Magistrate Judge